



MEMORANDUM ENDORSED

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October 3, 2022

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Via ECF

Honorable Gregory H. Woods
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Richardson v. Pond5 Inc. et al; Index No. 22-cv-04963-GHW

Dear Judge Woods:

Our office represents defendants Pond5, Inc. and Shutterstock, Inc. (collectively “Defendants”) in the above referenced matter. We write pursuant to Your Honor’s Individual Rules of Practice in Civil Cases, Rule 1.E., to respectfully request an adjournment of the initial pretrial conference presently scheduled to take place on October 19, 2022 at 2:00 pm (DE 29). This is the second request for an adjournment of the initial pretrial conference, and the requested extension will not impact any other deadlines.

Plaintiff filed his Second Amended Complaint on August 9, 2022 (DE 20). Defendants agreed to waive service of the Second Amended Complaint pursuant to Fed. R. Civ. P. 4(d) and Defendants’ deadline to answer the operative pleading was therefore set for October 11, 2022 (DE 26, 27). The initial pretrial conference was thereafter adjourned from August 30, 2022 to October 19, 2022 (DE 29).

Last week, Plaintiff agreed to extend Defendants’ deadline to answer the Complaint to December 8, 2022 so that the parties may continue settlement negotiations (DE 36). The Court granted Defendants’ request for an extension and Defendants’ deadline to respond to the operative Complaint is now December 8, 2022 (DE 37).

Defendants now seek a second adjournment of the initial pretrial conference until after December 8, 2022 to allow the parties to invest their resources in a settlement effort prior to the entry of a discovery schedule. The parties recently agreed upon a Protective Order to govern the exchange of information as part of settlement discussions (DE 35).

Therefore, Defendants request that the initial pretrial conference presently scheduled to take place on October 19, 2022 be adjourned to the Court’s earliest convenient date after December



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8, 2022. Defendants also request that the related deadline to submit a proposed Case Management Plan be correspondingly adjourned.

Plaintiff consents to an adjournment of the initial pretrial conference, but does not consent to the length proposed by Defendants. Plaintiff has advised that he would only consent to an adjournment of one month, which would place the re-scheduled conference in or about mid-November.

In light of the foregoing, Defendants respectfully request that the Court adjourn the initial pretrial conference presently scheduled to take place on October 19, 2022 and, if the application is granted, we defer to the Court's discretion and availability with respect to the length of the adjournment and the date for the re-scheduled conference.

We thank the Court for its attention to this matter.

Respectfully submitted,

Wilson Elser Moskowitz Edelman & Dicker LLP

/s/ Jura Zibas

Jura C. Zibas

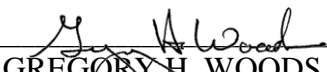
cc: All Counsel of Record via ECF

Application granted. The initial pretrial conference scheduled for October 19, 2022 is adjourned to December 9, 2022 at 4:30 p.m. The joint status letter and proposed case management plan described in the Court's June 14, 2022 order, Dkt. No. 6, are due no later than December 2, 2022. The parties should not expect further extensions of time.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 38.

SO ORDERED.

Dated: October 3, 2022
New York, New York


GREGORY H. WOODS
United States District Judge